

REMARKS

As a preliminary matter, Applicant thanks the Examiner for her time and courtesy during the personal interview on October 9, 2008. During the interview, Applicant's representatives and the Examiner discussed the alleged prior art references cited by the Examiner in the Office action and the currently pending claims 1-3, 6, 8-17, 20, and 22-33.

Also as a preliminary matter, Applicant wishes to point out that the listing of claims in the Disposition of Claims section of the Office Action Summary (PTOL-326) accompanying the Office Action incorrectly lists the currently pending claims as 1-3, 8-17, 20 and 22-33. The same incorrect claim listing appears in the Detailed Action section of the Office Action. (Office Action at 2). The currently pending claims are listed below.

In this Reply, Applicant has amended the specification to correct minor typographical errors. Applicant has also amended claims 1-3, 9, 10, 15-17, 23, 24, 29, and 31. No new matter has been introduced by these amendments. Claims 1-3, 6, 8-17, 20, and 22-33 are currently under examination.

In the Office Action, the Examiner rejected claims 1-6, 8-20 and 22-33¹ under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,647,257 to Owensby ("Owensby") in view of U.S. Patent No. 6,920,319 to Knutson et al. ("Knutson") further in view of U.S. Patent No. 7,154,056 to Bergqvist et al. ("Bergqvist").

¹ Applicant wishes to point out that claims 4-5 and 18-19 were previously cancelled.

I. Section 103(a) Rejections

Applicant respectfully traverses the Section 103(a) rejection of claims 1-3, 6, 8-17, 20 and 22-33 because Owensby, Knutson, and Bergqvist, taken alone or in combination, fail to disclose or suggest every claim element in these claims. Applicant respectfully submits that the Examiner failed to provide rationales to support a conclusion of obviousness in this case, because the Office Action does not properly ascertain the scope and content of the prior art, and there are significant differences between the teachings of the alleged prior art references and the claims. (M.P.E.P. § 2141(II, III), 8th ed., rev'd Sep. 2007 ("The gap between the prior art and the claimed invention may not be 'so great as to render the [claim] nonobvious to one reasonably skilled in the art.'") (internal citations omitted)).

Claim 1 has been amended to recite to a method for delivering context-sensitive advertising to a user that includes, *inter alia*, "associating a plurality of mobile wireless devices with [a] user," "associating a location-unique user profile with the user, the location-unique user profile being accessible via the plurality of mobile wireless devices," and "accessing the location-unique user profile with [a] mobile wireless device." Support for this amendment is found in, for example, paragraphs 0020, 0028, 0045, and Figs 1 and 3. Applicant respectfully submits that none of the references relied on by the Examiner teaches, discloses or otherwise suggests any of the listed features as recited in amended claim 1, among others.

Owensby is directed to a system that inserts messages into a wireless mobile communication. (Abstract; col. 4, lines 9-15). Specifically, the messages are sent to a

subscriber of a wireless mobile communication service after the subscriber has initiated or received the wireless mobile communication, i.e., a telephone call. (Fig. 3; col. 10, lines 14-25; col. 17, lines 25-53). As discussed during the interview, the system in Owensby is limited to only one wireless mobile device. Therefore, Owensby fails to disclose “associating a plurality of mobile wireless devices with [a] user,” “associating a location-unique user profile with the user, the location-unique user profile being accessible via the plurality of mobile wireless devices,” and “accessing the location-unique user profile with [a] mobile wireless device,” as recited in amended claim 1. Also, as discussed during the interview, the system in Knuttson is directed to only one wireless mobile device, and the system in Bergqvist is directed to only one digital pen. Therefore, Owensby, Knuttson, and Bergqvist, taken alone or in combination, fail to disclose or suggest at least the above listed features as recited in amended claim 1.

Appellant respectfully submits that because Owensby, Knuttson, and Bergqvist all fail to disclose or suggest at least one claimed feature, the Office Action did not properly ascertain the scope and content of the alleged prior art, and there are significant differences between the teachings of the alleged prior art references and the claims. For at least these reasons, independent claim 1 and claims 2-3, 6, 8-14 and 32 that depend therefrom are in condition for allowance. Claims 2-3, 6, 8-14 and 32 are also allowable because they recite additional features not taught nor suggested by the cited art.

Independent claims 15, 29 and 31, while having scopes different than claim 1, include similar recitations to claim 1. For example, amended claim 15 includes the

recitations of “computer code for associating a plurality of mobile wireless devices with [a] user,” “computer code for associating a location-unique user profile with the user, the location-unique user profile being accessible via the plurality of mobile wireless devices,” and “computer code for accessing the location-unique user profile with [a] mobile wireless device.” Similarly, amended claim 29 includes the recitations of “a plurality of mobile wireless devices associated with [a] user,” “a first database in communication with the plurality of mobile wireless devices for associating a location-unique user profile with the user, the location-unique user profile being accessible via the plurality of mobile wireless devices,” and “[a] context engine [] adapted for accessing the location-unique user profile with [a] mobile wireless device.” Likewise, amended claim 31 includes the recitations of “associating a plurality of devices with [a] user,” “associating a user profile with the user, the user profile being accessible via the plurality of devices,” and “accessing the user profile with [a] device.” Therefore, for at least the same reasons as set forth with respect to claim 1, claims 15, 29 and 31, and claims 16-17, 20, 22-28, 30 and 33 that depend therefrom are also in condition for allowance. Dependent claims 16-17, 20, 22-28, 30 and 33 are also allowable because they recite additional features not taught nor suggested by the cited art.

Accordingly, Applicant respectfully requests that the Examiner withdraw the rejection of claims 1-3, 6, 8-17 and 22-33 under 35 U.S.C. § 103(a).

II. Conclusion

The Office Action makes statements characterizing the claims and the references. Applicant does not subscribe to any such characterizations, whether they are expressly mentioned in this response, or not.

In view of the foregoing amendments and remarks, Applicant respectfully requests reconsideration and reexamination of this application and the timely allowance of the pending claims.

Please grant any extensions of time required to enter this response and charge any additional required fees to our deposit account 06-0916.

Respectfully submitted,

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